REMARKS

Acknowledgement of IDS filed on August 23, 2001

The Examiner is respectfully requested to acknowledge consideration of the reference submitted with the IDS of August 23, 2001 by initially and returning PTO-Form 1449.

Status of the Claims

Claims 1-18 are pending and at issue. Claims 17-18 have been added. Support for these claims can be found, for example, on page 1, lines 10-12 of the application as-filed. No new matter has been added by these claims.

Acknowledgement of Allowable Subject Matter

Applicants acknowledge with appreciation the finding of allowable subject matter in claims 2, 7-10 and 14.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-6, 11-13, and 15-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,416,6333 or U.S. Patent No. 5,895,558 (collectively "Spence"). The Examiner admits that Spence does not teach that a recording medium (referred to as a magnetic layer by the Examiner) may be placed on the substrate. Nevertheless, the Examiner alleges that it would have been obvious to place a recording layer on the substrates of the Spence invention, since it was known that magnetic recording media having layered structures require substrates.

Applicants respectfully submit that a prima facie case of obviousness has not been established. There is no motivation to modify the Spence references to apply a magnetic layer on the substrates taught therein. Knowledge that magnetic recording media having layered structures require substrates is irrelevant to the question of whether a skilled artisan would be motivated to modify the Spence process to provide a method for manufacturing a recording medium. Spence

teaches surface treating webs and films, primarily to allow these substrates to accept paint, dyes or similar materials (see U.S. Patent No. 6,416,633, col. 15, lines 40-57). Recording media is not disclosed in Spence. Only impermissible hindsight provides motivation to surface treat a substrate via an active gas atmosphere in the manufacture of a recording medium.

Furthermore, Spence does not teach or suggest every claim limitation. As the Examiner admits, Spence does not teach forming a layer structure with at least one signal recording layer on a substrate which was surface treated by placing the substrate in an active gas atmosphere. Although the Examiner alleges that it was known that magnetic recording media having layered structures require substrates, the Examiner has not provided prior art which teaches forming a layer structure with at least one signal recording layer on a support substrate *that has been surface treated in an active gas atmosphere.*

Applicants respectfully submit that Spence teaches away from surface treating a support substrate by placing the substrate in an active gas atmosphere and forming a layer structure with at least one signal recording layer on top of the support substrate. In the manufacture of recording mediums, the smallest defects and contamination are problematic (See page 1, lines 16-17 of the application). As explained below, Spence's process is prone to forming surface defects and contamination on the web or film, and thus teaches away from modifying their process to manufacture a recording medium.

More particularly, the webs and films in Spence are wound (see U.S. Patent No. 6,416,633, supply reel 23 and take-up reel 24 in Figure 1). Scratching occurs as the webs and films are laid on top of each other. Furthermore, the electrodes in Spence (which are in close proximity to the treated substrate) are equipped with a supply of gas and gas outlets (see U.S. Patent No. 6,416,633, col. 4, lines 48-51). Particles near such outlets are drawn to the substrate by the vacuum created by the flow of the gas. These particles will adhere to the surface of the substrate. Such scratching and particle interaction with the substrate renders the substrates processed according the Spence process unsuitable for use in present application, since a clean substrate with a very smooth surface profile is required for a recording medium.

Conclusion

Because 1) there is no motivation to modify the Spence reference, 2) the Spence reference does not teach or suggest all claim limitations, and 3) the Spence reference teaches away from using their process in the manufacture of a recording medium, Applicants respectfully request that the obviousness rejection be withdrawn. In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By _____

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